

House Bill 149

By: Representatives Brooks of the 63rd, Williams of the 165th, Hugley of the 133rd, Smyre of the 132nd, Holmes of the 61st, and others

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions relative to motor vehicles and traffic, so as to require policies that prohibit law enforcement officers from impermissibly using race or ethnicity in determining whether to stop a motorist; to require annual training of law enforcement officers on impermissible uses of race and ethnicity in stopping vehicles; to require law enforcement officers to document the race, ethnicity, and gender of a motorist and passengers; to provide for other matters relative thereto; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions relative to motor vehicles and traffic, is amended by inserting at the end thereof a new Code Section 40-1-8 to read as follows:

"40-1-8.

(a) Law enforcement officers shall not use a person's race or ethnicity to form probable cause or reasonable suspicion to stop a vehicle but may use a person's race or ethnicity to confirm a previously obtained description of a suspect.

(b)(1) Each state and local law enforcement agency shall adopt a policy and implement an annual training program regarding racial profiling that provides and instructs that a law enforcement officer shall not use a person's race or ethnicity to form probable cause or reasonable suspicion to stop a vehicle but may use a person's race or ethnicity to confirm a previously obtained description of a suspect.

(2) Except in instances where a vehicle is stopped in a fixed road block, each time a state or local law enforcement officer stops a motor vehicle to issue a citation or to make an arrest, that officer shall document the following information in a public record whose format shall be determined by the Department of Motor Vehicle Safety:

(A) The gender of the driver;

1 (B) The race or ethnicity of the driver;

2 (C) The suspected violation that led to the stop;

3 (D) Whether the vehicle, personal effects, driver, or any passenger was searched and, if
4 any passenger or his or her effects were searched, the passenger's gender and the
5 passenger's race or ethnicity;

6 (E) Whether a search was conducted pursuant to consent, probable cause, or reasonable
7 suspicion to suspect a crime, including the approximate duration of the search and the
8 basis for the request for consent or the circumstances establishing probable cause or
9 reasonable suspicion;

10 (F) Whether contraband was found, the type and approximate amount of contraband, and
11 whether contraband was seized;

12 (G) Whether any arrest, citation, or any oral or written warning was issued as a result of
13 the stop;

14 (H) Whether the officer making the stop encountered any physical resistance, whether
15 the officer engaged in the use of force, and whether injuries resulted;

16 (I) Whether the circumstances surrounding the stop were the subject of any investigation
17 and the results of that investigation; and

18 (J) The location of the stop.

19 (3) If a law enforcement officer stops a motor vehicle and no citation or written warning
20 is issued to the motorist, then the officer shall provide the motorist with a card showing
21 the officer's name, badge number, and the name of the officer's law enforcement agency.

22 (4) Law enforcement agencies shall maintain the data required to be collected under
23 paragraph (2) of this subsection for not less than seven years.

24 (5) As part of its personnel review or evaluation procedures provisions, each law
25 enforcement agency shall include complaints filed and other information designed to
26 evaluate whether or not each law enforcement officer employed by such agency is
27 complying with the provisions of paragraph (2) of this subsection. Any officer found not
28 to be complying with the provisions of paragraph (2) of this subsection shall be required
29 to undergo further training that meets the requirements of paragraph (1) of this subsection.

30 (6) Nothing in this Code section shall be construed to alter the requirements for
31 determining probable cause or reasonable suspicion under the Constitution of the United
32 States or the Constitution of the State of Georgia."

33 SECTION 2.

34 All laws and parts of laws in conflict with this Act are repealed.